LEGISLATIVE RESEARCH COMMISSION

REPORT
TO THE

1979
GENERAL ASSEMBLY OF NORTH CAROLINA

MODEL LAND DEVELOPMENT CODE

RALEIGH, NORTH CAROLINA

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STATE OF NORTH CAROLINA

LEGISLATIVE RESEARCH COMMISSION

STATE LEGISLATIVE BUILDING

RALEIGH 27611

January 10, 1979

TO THE MEMBERS OF THE 1979 GENERAL ASSEMBLY:

The Legislative Research Commission herewith reports to the 1979 General Assembly of North Carolina on the matter of possible adoption of the ALI Model Land Development Code by North Carolina. The report is made pursuant to House Joint Resolution 702 of the 1977 General Assembly.

This report was prepared by the Legislative Research Commission's Model Land Development Code Study Committee and it is transmitted by the Legislative Research Commission to the members of the 1979 General Assembly for their consideration.

Respectfully submitted,

Carl J. Stewart, Jr.

John T. Henley

Cochairmen
Legislative Research Commission

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INTRODUCTION

The Legislative Research Commission, created by Article 6B of Chapter 120 of the General Statutes, is authorized pursuant to the direction of the General Assembly "to make or cause to be made such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner" and "to report to the General Assembly the results of the studies made," which reports "may be accompanied by the recommendations of the Commission and bills suggested to effectuate the recommendations." G.S. 120-30.17. The Commission is co-chaired by the Speaker of the House and the President Pro Tempore of the Senate and consists of five Representatives and five Senators, who are appointed respectively by the Co-Chairman. G.S. 120-30.10(a).

At the direction of the 1977 General Assembly, the Legislative Research Commission has undertaken studies of twenty-seven matters, which were arranged into ten groups according to related subject matter. See Appendix A for a list of the Commission members. Pursuant to G.S. 120-30.10(b) and (c), the Commission Co-Chairmen appointed committees consisting of legislators and public members to conduct the studies. Each member of the Legislative Research Commission was delegated the responsibility of overseeing one group of studies and causing the findings and recommendations of the various committees to be reported to the Commission. In addition, one Senator and one Representative from each committee were designated Co-Chairmen. See Appendix B for a list of the committee members.

House Joint Resolution 702 (Resolution 87 of the 1977 Resolutions) directed the Legislative Research Commission "to study possible North Carolina adoption of the Model Land Development Code proposed by the American Law Institute" and to "recommend changing North Carolina law to incorporate any parts of the model code that will improve development planning and regulation authority for North Carolina local governments." (See Appendix C). The American Law Institute has for many years drafted model statutes to promote uniformity among the states; the Model Land Development Code, however, is not represented by the American Law Institute as a "model" that state legislatures might enact with minor alterations designed for their particular situations. It is instead intended to be a source of ideas upon which lawmakers can draw to modernize and expand the authority of local governments to plan and regulate development. The American Law Institute formally commenced work on the Model Land Development Code in 1963 and completed the task in 1975. For those twelve years the Institute benefitted from the input of planners, developers, practicing attorneys, judges, financiers, educators, and other interested persons and organizations, who wrote and reviewed the numerous drafts of the Code.

The authority of North Carolina's local governments to plan and regulate development is delegated by the General Assembly, and the more significant provisions are found in Article 18 of General Statutes Chapter 153A (counties) and Articles 19, 20, and 22 of General Statutes Chapter 160A (municipalities). These enabling statutes are still predominantly based on two model acts promulgated some fifty years ago by the U. S. Department of Commerce: The

Standard State Zoning Enabling Act (1922) and the Standard City Planning Enabling Act (1928). Although numerous modifications to North Carolina's enabling legislation have been made by the General Assembly to improve upon unworkable or outdated land use concepts in the original acts, the general concensus among those involved in land use planning and regulation is that the present laws fail to delegate to local governments the flexibility and authority that are necessary to effectively cope with land development problems and to properly provide development benefits.

In short, the purpose of the Code is to provide a system land use planning and control that will afford local governments the means to effectively and comprehensively shape their environs in an equitable manner that will not impose undue burdens on land owners and developers.

COMMITTEE PROCEEDINGS

The Committee held its organizational meeting on November 18, 1977, at the State Legislative Building.

Mr. Philip P. Green, Jr., Professor of Public Law and Government at the University of North Carolina and a member of the ALI Model Land Development Code Advisory Committee, briefly discussed the history of the Code. Mr. Green emphasized three facets of the Code:

1. The Code fits into the American tradition that most land use regulation should be handled by local governments operating pursuant to state enabling legislation;

2. The Code focuses on regulation of land use and development, and the "planning" for which it provides is planning which of these supports that type of regulation; and

3. The Code's focus means that it embraces the type of authority now contained in separate enabling acts for:

   a. planning
   b. subdivision regulation
   c. zoning
   d. urban renewal
   e. mapped-street reservation
   f. planned unit development

Mr. Green informed the Committee that some states,including Florida, Oregon, and Washington, had adopted parts of the Code; and that North Carolina had included parts of it in the Coastal Area Management Act. He also emphasized that the North Carolina Chapter of the American Institute of Planners felt that North Carolina had enough state-level land use legislation and that no further state-wide Code provisions should be considered.

Mr. Roger N. Schecter, President of the North Carolina Chapter of the American Institute of Planners (NCAIP), reviewed for the Committee a 1976 NCAIP Task Force report on the Code. Mr. Schecter said that basically the Task Force recommended that much of the Code could be adopted as an optional enabling act for those communities that wanted it. The Task Force felt that a comprehensive study of the existing North Carolina enabling statutes and the applicability of some of the ALI Code provisions was needed. Mr. Schecter listed three ways the Task Force felt the General Statutes did not meet the existing development planning regulation needs in North Carolina:

1. They do not authorize mini-planning repertoire techniques, which have become common over the past decade;

2. Many local governments enforce a wide variety of ordinances that affect development; and

3. The courts have begun requiring local governments to follow more detailed procedures in holding hearings and issuing permits.

Mr. Steven Thomson, Director of the Staff for the Land Policy Council, stated that he was asked by Secretary Lee to represent the Department of Natural Resources and Community Development. Mr. Thomson explained briefly the role of the Land Policy Council. He said the Council has been charged by the General Assembly with trying, at the state level, to try to understand how our land resources are being allocated to a variety of different uses.

Mr. DeWitt McCarley of the N. C. League of Municipalities, Mr. Durward Gunnells of the N. C. Association of County Commissioners, and Mr. W. B. Jenkins of the N. C. Farm Bureau Federation all expressed their respective organizations' interests in the subject of the study and offered their assistance to the Committee.

The second meeting was scheduled for January 20, 1978, but due to inclement weather a number of out-of-town participants were unable to attend the meeting in Raleigh.

Mr. David Heeter, of the American Institute of Planners, was recognized for a statement. Mr. Heeter said that one problem with the existing legislation was determining if the enabling legislation was sufficient. He said that the American Institute of Planners had tried to pull together the city and county zoning orders, flood plan regulations, etc., into one document, had also tried to consolidate the administrative regulations, and hoped to begin to attempt to coordinate them.

Mr. Ray Forrest, of the North Carolina Department of Agriculture, was recognized for brief remarks. He said North Carolina was losing a lot of land because of urbanization. Mr. Forrest listed two things involved in the land losses: (1) the farmers' ability to produce and (2) the land tax increase.

There followed a general discussion about how Code provisions considered desirable for use by local governments could be put into effect. The general concensus was that some sort of optional enabling act would be the best approach. That way counties and municipalities would have a choice between using the present General Statute or Code enabling provisions, thus availing local governments the procedures best suited for their own particular needs.

The next meeting was held in Raleigh on March 16, 1978. Mr. Clifford G. Strassenburg, Planning Director of the Cumberland County Joint Planning Board, made the following observations and recommendations:

1. In an evaluation of the General Statutes, greater emphasis should be placed on planning as a necessary function of local government.

2. The roles of state and local governments and of regional organizations (Regional Councils of Governments) need to be clearly defined.

3. The primary responsibility for planning should rest with local governments.

4. Planning needs to be further centralized (perhaps into one agency). The planning function is too dispersed; too many agencies are carrying on planning functions. The review of plans and proposals needs to be coordinated.

5. Plans promulgated by a planning agency should be adopted by the local government as its policy.

6. The procedures in the land development process need to be streamlined. Obtaining the various required permits is very time consuming.

7. Mechanisms are needed to allow for greater administrative review and action, which would result in more flexibility for planners. There is too much repetition of zoning hearings, etc. Planning boards and other local governmental agencies should be freed from routine matters so they can deal with more important matters.

8. The hearing examiner concept is strongly recommended. It would cut down the number of hearings and speed up the process. (Oregon and Washington have adopted it.) It would provide for better administrative procedure and would provide records that would facilitate resultant litigation.

9. Definitions and standards in the statutes need clarification. (E.g., the State Department of Transportation statutes contain a definition of "subdivision" different from city and county subdivision regulation statutes.)

10. The settling of estates in court (division of real property) has complicated land development patterns.

11. Zoning should be based on plans adopted by local governments, which should reflect the community policy (cross-reference: #5). The tools of implementation that planners and local governments have (zoning, subdivision regulation) should be sharpened and strengthened.

12. Non-conforming uses need to be amortized.

13. North Carolina does not have an official map plan, which aids planning and can serve as a basis for advance acquisition of property for rights-of-way, etc.

14. The Model Land Development Code should be made available to local governments on an optional basis.

Senator Ballenger asked why certain zoning decisions take so long in county commissioner and city council meetings. Mr. John G. Scott of the Wake County Planning Department responded by stating that he felt the problem was lack of coordination and that many people do not comprehend the intricacies of planning. He further referred to North Carolina General Statutes 153A-340 and 153A-341, which grant the zoning power to counties and state the purposes for zoning; Mr. Scott cautioned, however, that planning as an administrative function is not fully addressed by these statutes. He said what was needed was a uniform, concrete idea of what constitutes a "comprehensive plan", as it appears in G.S. 153A-341. Court interpretations of that language have only confused matters. He further stated that the many elements of planning go beyond zoning and land use (e.g., utilities, transportation, schools,

public services and facilities, resources, geography, local economy, population, demographic trends, etc.).

Senator Barnes referred to differences between planning and zoning and asked Mr. Scott for clarification.

Mr. Scott said planning involves land use elements and all the facilities that are provided by local government for the public, as mentioned above. He explained that there is a coordinating effort between planning and zoning.

Mr. Strassenburg explained his feeling about the differences involved between planning and zoning. He said comprehensive planning is a way of pulling all the pieces together and zoning is one of a number of regulatory devices that is available to a local government through enabling legislation to implement planning. Mr. Strassenburg said many people feel zoning has to go with planning, but in many cases it hasn't. It is just one of a number of tools or ways to implement a plan.

Mr. Rider expressed the feeling that counties need some guidelines in order to expedite procedures. He also said he thought it would be practical to consider the locality in planning and zoning, whether urban or agragrian, as their problems are different.

At the end of the meeting the Committee requested that the North Carolina Chapter of the American Institute of Planners and other interested parties form a task force to formulate and present to the Committee specific recommendations concerning the Model Land Development Code for the Committee's consideration and possible action. NCAIP did constitute such a task force (see Appendix D) and that Task Force met several times between April and August of 1978, and conducted an analysis of the Code. The Task Force reluctantly concluded, however, that the task before it -- and before

the Committee -- was too great to be accomplished in the time alloted.

FINDINGS AND RECOMMENDATIONS

The Model Land Development Code and its accompanying explanatory material are published in a book of more than 500 printed pages. The Committee has reviewed this mass of material, considered recommendations concerning it made by the North Carolina Chapter of the American Institute of Planners, and received testimony from other interested groups.

On the basis of this study, the Committee has concluded that North Carolina should not, at this time, adopt the Model Land Development Code as it stands, either as a whole or in significant parts. The Code contains a treasury of useful ideas which may be drawn upon in improving North Carolina's land use planning legislation, but its drafting is in language and concept unsuited to North Carolina's statutory and governmental framework. The Committee feels that it lacks both the time and the representation necessary to redraft those provisions which it perceives as desirable or essential, noting that the American Law Institute itself devoted more than twelve years to development of its draft.

However, the Committee strongly recommends the constitution of a more broadly representative study commission, structured and financed as outlined below, to undertake this task over the next biennium. It believes the time is ripe for a serious review of our land use regulations. Rapid technological and population growth have evoked serious concerns among our people. Legal tools to deal with particular problems have proliferated at the federal, state,

and local governmental levels. Many of the requirements therein are ill defined or confusing, and few attempts have been made to coordinate those requirements with one another. The result is that property owners or developers and governmental officials charged with administering regulations are often confounded.

The Committee believes that a special study commission representing the various interests concerned with the growth and development process can do much to improve this situation, both by redrafting appropriate provisions of the Model Land Development Code and by suggesting appropriate improvements in related areas in the North Carolina General Statutes. This could provide local governments with legislative tools needed to do an effective job of protecting the resources of the State while at the same time preserving the rights of property owners and developers.

The Committee recommends that an eleven-member special study commission be created composed of representatives of groups interested in and affected by land use legislation. There should be two Senators appointed by the Lieutenant Governor, two Representatives appointed by the Speaker of the House, two public members appointed by the Governor, and five persons appointed by the Governor from lists, each containing three nominees, submitted by the following groups: the League of Municipalities, the North Carolina Association of County Commissioners, the North Carolina Chapter of the American Institute of Planners, the North Carolina Farm Bureau Federation, and the North Carolina Home Builders Association. The chairman and vice-chairman should be elected by the members at the first meeting. The Committee believes that the final product of this broadly-based

study group will be one that has had the benefit of input from most if not all of the areas upon which land use legislation touches.

The special study commission should be charged with focusing its attention on those provisions of the Model Land Development Code which particularly relate to local governments. The Committee notes as worthy of study the Code's provisions that:

1. Allow a local government to consolidate its land use regulations into a single ordinance;

2. Improve and elaborate the procedural provisions under which such regulations are adopted, amended, and enforced;

3. Grant local governments greater latitude in devising appropriate organizational arrangements for planning and enforcement of land-use regulations;

4. Better coordinate the issuance of permits by various local and state agencies;

5. Make the application of regulations more predictable through spelling out a requirement that they be in accord with previously adopted policies and plans;

6. Spell out in more detail the nature of local plans and planning programs;

7. Improve coordination between local, regional, and State plans;

8. Provide guidance as to the General Assembly's intent and purpose in granting such powers; and

9. Permit more flexible treatment of existing uses of land.

The Committee also believes that the special study commission might give attention to the proper extent and nature of regulations for rural areas, better coordination between the Department of Transportation and local governments in the regulation of lands along our highways, measures allowing developers greater flexibility in project design, and similar land use regulation issues not directly addressed by the Model Land Development Code.

The Committee recommends that the special study commission be given a two-year period to complete its work and prepare a report and recommendations. The legislator-members of the study commission would be able to sponsor any legislation that is recommended by the study commission to the 1981 General Assembly.

Historically, special study commissions have been authorized or directed to employ and budget for staff personnel independent of governmental staff resources; however, it is not uncommon for special study commissions to be directed to utilize the staff of the Legislative Services Office (Fiscal and General Research Divisions) and contract with the Institute of Government for consultant services. The Committee recommends the latter method in order to minimize costs and to take advantage of the professional talent already available to the special study commission. The North Carolina Chapter of the American Institute of Planners intends to continue to offer its assistance throughout the study of the Model Land Development Code.

One of two methods can be used to finance the special study commission: a provision in the bill creating the Commission that contains a special appropriation from the General Fund to the study commission; or a provision in the bill that authorizes the use of money from the State Contingency and Emergency Fund. The Committee recommends that a special appropriations provision in the bill be employed to fund the study effort. The procedures for recouping budget expenditures are less complicated and less time-consuming under this method than under the Contingency and Emergency Fund method. The Committee believes that an appropriation in the amount of $20,000 will be sufficient to support the special study commission's work. See Appendix F for recommended legislation.

Appendix A

STATE OF NORTH CAROLINA

LEGISLATIVE RESEARCH COMMISSION

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MEMBERSHIP

1977-1979

Cochairmen:

House Speaker Carl J. Stewart, Jr.
Gastonia

Senate President Pro Tempore John T. Henley
Hope Mills

Members:

Representative Chris S. Barker, Jr.
New Bern

*Representative A. Hartwell Campbell
Wilson

Representative John R. Gamble, Jr.
Lincolnton

Representative H. Parks Helms
Charlotte

Representative Lura S. Tally
Fayetteville

Senator Dallas L. Alford, Jr.
Rocky Mount

**Senator Russell G. Walker
Asheboro

Senator Cecil J. Hill
Brevard

Senator Robert Byrd Jordan, III
Mt. Gilead

Senator Vernon E. White
Winterville

*Replaced Representative Thomas O. Gilmore in 1978.

**Replaced Senator Luther J. Britt, Jr., in 1978

STATE OF NORTH CAROLINA
LEGISLATIVE RESEARCH COMMISSION
STATE LEGISLATIVE BUILDING
RALEIGH 27611

MODEL LAND DEVELOPMENT CODE STUDY COMMITTEE
1977-1979

Legislative Research Commission Member Responsible for Study:

Representative Chris S. Barker, Jr.
New Bern

Committee Cochairmen:

Representative Charles Holt
Fayetteville

Senator Henson P. Barnes
Goldsboro

Committee Members:

Representative A.J.H. Clement, III
Durham

Senator T. Cass Ballenger
Hickory

Representative Robert Z. Falls
Shelby

Mr. Watson Brown
Tarboro

Representative Frances E. Setzer
Newton

Mr. Jack Rider
Kinston

H. R. 702 **RESOLUTION 87**

A JOINT RESOLUTION DIRECTING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY POSSIBLE NORTH CAROLINA ADOPTION OF THE MODEL LAND DEVELOPMENT CODE PROPOSED BY THE AMERICAN LAW INSTITUTE, AND TO REPORT TO THE 1979 GENERAL ASSEMBLY.

Whereas, North Carolina and many other states currently have enabling statutes allowing local governments to adopt planning regulations and to control local development; and

Whereas, these statutes are based on model legislation more than 50 years old; and

Whereas, these enabling statutes fail to provide local government with the necessary authority and flexibility to effectively deal with development problems and to properly provide development benefits; and

Whereas, the American Law Institute has just completed a 12-year study of land development, resulting in a Model Land Development Code which proposes to modernize the authority of local governments to plan and regulate development;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The Legislative Research Commission, as structured under G.S. 120-30.10 et seq, is directed to study possible North Carolina adoption of the Model Land Development Code proposed by the American Law Institute.

Sec. 2. The commission shall examine the American Law Institute's Model Land Development Code, and the commission shall recommend changing North Carolina law to incorporate any parts of the model code that will improve development planning and regulation authority for North Carolina local governments.

Sec. 3. The commission shall report the results of its study to the 1979 General Assembly.

Sec. 4. This resolution shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1977.

APPENDIX D

NORTH CAROLINA CHAPTER OF THE AMERICAN INSTITUTE OF PLANNERS
MODEL LAND DEVELOPMENT CODE TASK FORCE

Mr. Clifford G. Strassenburg, Chairman
Cumberland County Joint Planning Board

Mr. Michael B. Brough
Carrboro Town Attorney

Mr. Stephen E. Davenport
Chief of Planning Services
City of Greensboro

Mr. William Diuguid
City of Durham Planning Division

Mr. John A. Donnelly
City-County Planning Board
Winston-Salem

Mr. Richard Ducker
Institute of Government

Mr. Walter Fields
Charlotte-Mecklenburg Planning Board

Mr. Richard Greathouse
Catawba Planning Department

Mr. Philip P. Green, Jr.
Institute of Government

Mr. Durward F. Gunnells, III
N. C. Association of County Commissioners

Mr. William Kenneth Hale
Legislative Services Office

Mr. David Heeter
Raleigh

Mr. Robert Landers
Charlotte-Mecklenburg Planning Board

Mr. Robert M. Leary
Leary and Associates - Raleigh

Mrs. Silvia Maya
City-County Planning Board
Winston-Salem

Mr. DeWitt McCarley
N. C. League of Municipalities

Mr. Harold McNeill
Sanford Planning Department

Mr. G. Allen Mitchell
Cumberland County Joint Planning Board

Mr. Roger Schecter
UNC Department of City and Regional Planning

Mr. John G. Scott
Wake County Planning Department

APPENDIX E

Speakers and Participants

Mr. Deryl F. Bateman
Durham County Planning Department

Mr. Lindsay Cox
Piedmont Triad COG

Mr. Richard Ducker
Institute of Government

Mr. David French
N. C. Farm Bureau Federation

Mr. Philip P. Green, Jr.
Institute of Government

Mr. Durward F. Gunnells, III
N. C. Association of County Commissioners

Mr. A. C. Hall, Jr.
Raleigh Planning Department

Mr. Fred D. Hauser
Forsyth County Commissioners

Mr. David Heeter
NCAIP

Mr. Gerald Kelley
Durham City Planning Division

Mr. Robert Landers
Charlotte-Mecklenburg Planning Board

Mr. DeWitt McCarley
N. C. League of Municipalities

Mr. David McCleod
N. C. Department of Agriculture

Mr. George Nichols
Department of NRCD

Mr. Roger Schecter
UNC Department of City and Regional Planning

Mr. John G. Scott
Wake County Planning Department

Mr. Clifford G. Strassenburg
Cumberland County Joint Planning Board

Ms. Anne Taylor
N. C. Department of Administration

Mr. Stephen C. Thomson
N. C. Land Policy Council

Mr. Robert Whitley
Albemarle Regional Planning and Development Commission

Mr. Roy Williford
Kerr-Tar Regional COG

Mr. James Yarborough
City-County Planning Board
Winston-Salem

INTRODUCED BY:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CREATE THE LAND USE LEGISLATION STUDY COMMISSION

The General Assembly of North Carolina enacts:

Section 1. There is hereby created the Land Use Legislation Study Commission.

Sec. 2. Organization of the Commission.

(a) The Commission shall consist of eleven members, with appointments to be made as follows:

(1) Two Senators to be appointed by the Lieutenant Governor;

(2) Two Representatives to be appointed by the Speaker of the House;

(3) Two public members to be appointed by the Governor, one of which shall be representative of non-governmental conservation interests, and one of which shall be representative of ethnic minority interests; and

(4) One member to be appointed by the Governor from each of the following organizations:

(a) The North Carolina League of Municipalities;

(b) The North Carolina Association of County Commissioners;

(c) The North Carolina Chapter of the American Institute of Planners;

(d) The North Carolina Farm Bureau Federation; and

(e) The North Carolina Home Builders Association.

Each organization shall submit to the Governor a list of three nominees for membership on the Commission. The members of the Commission shall be appointed within 30 days of ratification of this act and they shall serve until termination of the Commission.

(b) If a vacancy occurs in the membership of the Commission, it shall be filled by action of the officer who appointed the former member who is to be replaced, and the person then appointed shall serve for the remainder of the term of the member whom he succeeds.

(c) The Commission shall hold its first meeting within 30 days of the completion of appointments provided for in this section, at which time the members of the Commission shall elect one of their members as chairman and one member as vice-chairman. The chairman shall preside at all meetings of the commission and in his absence the vice-chairman shall act as chairman.

Sec. 3. Compensation and reimbursement of members.

(a) Legislator members of the Commission shall be reimbursed for subsistence and travel expenses at the rates set out in G.S. 120-3.1 from funds available to the Commission.

(b) The other members of the Commission who are not officers or employees of the State shall receive compensation and reimbursement for travel and subsistence expenses at the rates set out in G.S. 138-5 from funds available to the Commission.

(c) The members of the Commission who are officers or employees of the State shall receive reimbursement for travel and subsistence expenses at the rates set out in G.S. 138-6 from funds available

to the Commission.

Sec. 4. Staff support for the Commission. In executing its duties the Commission is authorized to hire such professional assistance and secretarial support as it deems necessary. The Commission is also authorized to utilize the staff of the Fiscal Research Division and the General Research Division as it deems appropriate.

Sec. 5. Appropriations to the Commission. There is hereby appropriated to the Land Use Legislation Study Commission from the General Fund of the State twenty thousand dollars ($20,000) for the 1979-1981 biennium. These funds shall be used in the performance of the duties set forth in this act.

Sec. 6. Duties of the Commission.

(a) The Commission shall examine the American Law Institute's Model Land Development Code and may make recommendations to change North Carolina law that will improve land development planning and regulation authority for North Carolina local governments by:

(1) Incorporation of any concepts of the Code into the General Statutes; and

(2) Amendments to the present General Statute provisions.

(b) The Commission shall focus its attention on those provisions of the Code that particularly relate to local governments, including but not limited to the Code's provisions that:

(1) Allow a local government to consolidate its land use regulations into a single ordinance;

(2) Improve and elaborate the procedural provisions under

which such regulations are adopted, amended, and enforced;

(3) Grant local governments greater latitude in devising appropriate organizational arrangements for planning and enforcement of land-use regulations;

(4) Better coordinate the issuance of permits by various local and state agencies;

(5) Make the application of regulations more predictable through spelling out a requirement that they be in accord with previously adopted policies and plans;

(6) Spell out in more detail the nature of local plans and planning programs;

(7) Improve coordination between local, regional, and state plans;

(8) Provide guidance as to the General Assembly's intent and purpose in granting such powers; and

(9) Permit more flexible treatment of existing uses of land.

(c) The Commission shall also give attention to the proper extent and nature of regulations for rural areas, better coordination between the Department of Transportation and local governments in the regulation of lands along our highways, measures allowing developers greater flexibility in project design, and similar land-use regulation issues not directly addressed by the Code.

Sec. 7. Report by the Commission. The Commission shall report to the 1981 General Assembly. The final report of the Commission shall summarize the information obtained in

the course of its inquiry, set forth any findings and conclusions, and recommend such legislative action that may be necessary to improve land development planning and regulation authority for North Carolina local governments. If legislation is recommended, the Commission shall prepare and submit with its report appropriate bills. Upon termination of the Commission, the chairman shall transmit to the Legislative Library for preservation the records and papers of the Commission. The Commission shall terminate upon the filing of its report.

Sec. 8. This act is effective upon ratification.